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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,252	12/16/2004	Daniel Graf	AT 020037	8316

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EXAMINER

HINDI, NABIL Z

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,252

Applicant(s)

GRAF, DANIEL

Examiner

NABIL Z. HINDI

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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In response to applicant's amendment dated September 14, 2006. The following action is taken:

The claims are rejected for the same reasons set forth in the previous office action repeated herein.

The newly added limitation "wherein the inherent function includes use of an external network regardless of whether the external network is currently available" read on just data having the inherent demo data of the device. Therefor, if the device has a network capability, then the demo data on the disk would include and show such inherent capability. Thus data per se on a disk does not carry any patentable weight since any data could be recorded on a medium.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 6-118914.

The reference discloses the use of an optical disk having demonstration data relevant (inherent) to the device as cited by the abstract having reference and demonstration data on the optical medium 19. The play back device (fig 2) having a signal processing means 11, switching means for switching into a demonstration mode (fig 1 element 2 and element 11 having the switching means), supply means for supplying the demonstration data 12, reading means for reading the demonstration data from a medium 18, 19 and the processing means (all of the other elements within fig 2).

With respect to the limitations of claims 2 and 8 see elements 12, 18 and 19.

With respect to the limitations of claims 3 and 9 see elements 18 and 19.

With respect to the limitation of claim 4 see elements 12, 18 and 19.

With respect to the limitation of claim 6. The limitation "compressed format" is merely a terminology related to the encoded data on an optical disk written within the CD.

With respect to the limitation of claim 10. The use of a CD reading apparatus inherently encompasses the insertion and removing of the desired CD to be played.

With respect to the limitation of claim 11 see the abstract.

With respect to the limitation of claim 13. the combinational elements 12, 18 and 19 meet the claimed invention.

With respect to the limitation of claim 14. such limitation is a "user" operating a key on the device as cited in the reference.

With respect to the limitation of claim 16. the use of a "virtual data" such limitation is merely a display which is well established in the art as acknowledged by applicant's own prior art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 6-118914 in view of Jacober et al (6020886).


The primary reference discloses the invention as analyzed above. However the reference does not disclose the use of a script file. The secondary reference discloses the use of a script file for the purpose of ease of use of the demonstration process as cited on column 2 lines 55-60.

It would have been obvious to one skilled in the art at the time the invention was made to use the teachings of the secondary reference and modify the system of the primary reference. Such modification of using a script file is within the engineering capability of one skilled in the art in order to easily and quickly manipulate the demonstration process. Thus one skilled in the art would have been motivated to use the teachings of the secondary reference for the purpose of quickly and easily prompt the demonstration process.

Applicant's arguments filed September 14, 2006 have been fully considered but they are not persuasive. In response to applicant's arguments centered around the newly added limitations in the claims "wherein the inherent function includes use of an external network regardless of whether the external network is currently available" is merely interpreted as data recorded on the disk having the inherent demo data of the device whether the device is an optical head within a computer having an external network capability or not. the reference JP "914" is drawn to the use of an external network 11 and 12 with respect to an external medium 19. Therefore whether the external network 11 and 12 is available or not the demonstration data is available in the medium 19 meeting the claimed invention. As for the use of a "virtual data" such limitation is merely a display that is well established in the art as acknowledged by applicant's own prior art.

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Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.


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